

REMARKS

In the outstanding Final Official Action, claims 1-3 were rejected under 35 USC 102(b) as being anticipated by Tokito et al, for the reasons of record. It was suggested in the Action that Fig. 11 shows a device which anticipates all of the features of the instant invention as previously claimed.

In response, and in order to place the instant application in better condition for allowance, claim 1 is herewith amended in order to more particularly and precisely recite the novel and unobvious features of the instant invention, and it is respectfully submitted that claim 1, as herewith amended, and the remaining claims depending therefrom, are now clearly patentably distinguishable over the cited and applied reference for the reasons detailed below.

More particularly, claim 1, as herewith amended, now more precisely recites that the first electrode (2) is directly on the substrate (1), as clearly shown in Fig. 1 of the instant application and described on page 3 of the instant specification. Such a structure, as now more clearly and precisely claimed, is clearly patentably distinguishable over the cited structure of Fig. 11 of Tokito, wherein the electrode deemed to be the first electrode in the Action is in fact on top of the device, widely separated from the substrate, and the electrode deemed to be the second electrode in the Action is also spaced apart from the substrate by multiple layers. Thus,

neither of the electrodes in the cited reference is directly on the substrate as in the instant invention as now more precisely claimed.

Accordingly, it is respectfully submitted that the currently-pending claims, as herein amended to more particularly and precisely recite the distinguishing features of the present invention, are clearly patentably distinguishable over the cited and applied reference. In view of the foregoing, entry of this amendment, reconsideration of the rejection and allowance of this application are earnestly solicited.

Respectfully submitted,

By 

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